



National Transportation Safety Board

Testimony of Jim Hall
Chairman, National Transportation Safety Board
before the
Committee on Commerce, Science, and Transportation
United States Senate
Regarding
Reauthorization of the National Transportation Safety Board
July 15, 1999

Chairman McCain and Members of the Committee, I am pleased to appear before you today on behalf of the National Transportation Safety Board regarding our request for reauthorization.

Before beginning, I would like to thank this Committee for its continued support of the Safety Board and its mission. The Safety Board's effectiveness depends on a sufficient level of resources, which you have always provided, to enable us to make timely and accurate determinations of the causes of accidents; to issue realistic and feasible safety recommendations; and to respond to the families of victims of transportation disasters in a timely, compassionate, and professional manner following these tragedies. We believe the Safety Board's 18-cent annual cost per person to the American public has resulted in countless lives saved, numerous injuries prevented, and millions, if not billions, of dollars in property damage being averted.

Since I last appeared before you regarding the Safety Board's reauthorization on April 16, 1996, we have contracted with the RAND Institute of Civil Justice to perform an in-depth review of the Board's investigative process; reorganized the Office of Surface Transportation Safety into separate modal offices; reorganized the Office of Safety Recommendations to include an accomplishments division; created a 24-hour Communications Center; and established an Office of Family Affairs as required by the Aviation Disaster Family Assistance Act of 1996.

Before updating you on specific modal issues, I would like to briefly discuss the items mentioned above.

RAND Institute of Civil Justice

- Last year the Safety Board asked the RAND Corporation to conduct an independent review of two critical areas. First, we asked them to examine and evaluate the Safety Board's workload, staffing levels, and training programs in light of the emerging trends in aviation. Second, we asked them to review the Safety Board's party system. We asked them to make recommendations to us in both areas to ensure the Safety Board's continuing ability to accomplish its mission.

- While the study primarily focused on aviation issues and challenges, there are a number of areas that will have agency-wide applicability. We anticipate receiving the final report shortly, and we will share it with the Committee as soon as we receive it.

- As you know, Mr. Chairman, the Committee staff has been briefed by the RAND Corporation, but I would like to highlight a few of their findings and preliminary recommendations.

- - Probably the most important issue raised in the report indicates that complex and contentious accident investigations, such as the recently completed USAir flight 427 investigation and the on-going TWA flight 800 investigation, are likely to be the norm in the future rather than the exception. These investigations have been extremely taxing to the Safety Board and its personnel; if we are to be prepared to investigate similar accidents, we must adopt a number of new and different strategies.

- We need new management and financial practices that will ensure financial and programmatic effectiveness for the 21st Century. We began the process this year by implementing a new financial management system. In addition, we will hold a senior management retreat in September to design new strategies that will help us implement the RAND recommendations.

- The second most important issue in the RAND report focuses on the workload of our staff and on the knowledge base they will need to successfully accomplish our mission. We need greater depth in many of our high-skill positions and we must have the resources to keep our investigators current in the latest technologies and procedures. I have made this a top priority this past year and for the first time the training requests are fully funded. The Board is also proposing

in its authorization request a number of administrative personnel changes that will allow the Safety Board to successfully compete in today's marketplace.

- - And finally, we anticipate that the RAND Corporation will make recommendations concerning the party system – the way in which we conduct our investigations. As you know, the party system has been in effect with regard to Safety Board investigations for almost 30 years. The Safety Board itself has periodically reviewed the party process, but this is the first time that we have had an independent, outside expert look at our investigative procedures. There have been a number of calls recently to revisit this subject. Interestingly, these calls have come from two extremely different perspectives. On one hand, some industry representatives would like to expand their role in the process, particularly as it relates to involvement in the analysis stage of the Board's work. On the other hand, some family members of victims and plaintiffs' attorneys believe just as strongly that the current system gives party members what amounts to a privileged position in terms of future litigation while giving them no role.

Although we do not expect RAND to recommend significant changes to the party system, we understand that certain adjustments will be recommended regarding a broadening of the probable cause statement and greater usage of outside laboratories and experts during the actual accident investigation phase.

We look forward to sharing a copy of the final report with all of you so that together we can evaluate its recommendations. I hope that the RAND report will serve as a blueprint for the

Safety Board as it moves forward into the next Century.

New Structure for the Surface Transportation Modes

Over the past few years, the surface modal programs have made significant contributions to safety because of the attention and dedication of the staff. In an effort to make the surface modal offices even more effective, I reorganized the management structure of the Office of Surface Transportation Safety. Each of the four surface modal divisions became offices reporting directly to the Board's Managing Director in October 1997. I believe the modifications have improved communications and the timeliness of investigations and reports, and have increased the Board's impact on improving transportation safety in the surface modes.

Office of Safety Recommendations and Accomplishments

Safety recommendations are the primary tool used by the Board to implement safety improvements and prevent future accidents. Eighty percent of our safety recommendations have been implemented over the years across the modes, helping us achieve our ultimate goal of saving lives, reducing injuries, and preventing future accidents.

The Office of Safety Recommendations was recently centralized by moving recommendation specialists from the other modal offices into the Office of Safety Recommendations and Accomplishments. These individuals no longer have collateral duties, but focus full-time on recommendation development, implementation, and followup. We have also increased our emphasis on an internal review process that assesses safety proposals submitted by our nine regional offices, and strengthened a program that recognizes our investigators for

improving safety without going through the formal recommendation process.

The Board uses its “Most Wanted” list of safety issues to highlight recommendations with the greatest impact on transportation safety. Since March 1996, 15 issues have been removed, 7 issues have been added, and 10 items remain on the list. We continue to believe the items on the “Most Wanted” list have the greatest potential to save lives, and they continue to receive aggressive follow up. A copy of the current “Most Wanted” list is attached.

24-Hour Communications Center

Following the ValuJet flight 592 and TWA flight 800 accidents, it became obvious that the Board needed to improve coordination and communications from the time we are notified of an event through the on-scene phase of an accident investigation. In February 1997, I established a 24-hour Communications Center in response to our critical need to centrally coordinate accident communications and launch operations.

The Communications Center has relieved the Board’s investigators of launch logistical responsibilities by coordinating travel, lodging, on-scene command center, and telephone and equipment needs. The center runs interference for the en route go-team; gathers accident information; and alerts local police and fire/rescue personnel of the details regarding the team’s arrival. Once on-scene, the investigator-in-charge can check with the Communications Center to receive the latest information needed to efficiently initiate the investigation, coordinate activities between agencies, or to arrange telephone conferences. In addition, the Communications Center provides assistance during international investigations that literally involve 24-hour

communications.

The Board and its employees have found the Communications Center to be an invaluable resource – a resource whose responsibilities change as the needs of our employees and the nature of our investigations change.

Office of Family Affairs

Mr. Chairman, your Committee was instrumental in providing the Safety Board with the additional responsibility of coordinating the Federal effort to the families of the victims of major aviation accidents. Since this legislation was enacted in October 1996, we have hired a family affairs staff of seven individuals; developed, in concert with family advocacy groups and the aviation industry, a Safety Board family assistance plan; received assurances from foreign and domestic air carriers regarding their plans to assist family members following an aviation disaster; co-chaired, with the Secretary of Transportation, a task force on assistance to families of aviation disasters; hosted an international symposium on family affairs; completed memoranda of understanding with seven Federal organizations and the American National Red Cross; met with dozens of industry and local organizations regarding the importance of family assistance; and entered into negotiations with the Air Transport Association regarding extraordinary accident investigation costs, particularly in relation to identification and recovery of accident victims. We are also currently working with other Federal agencies to develop assistance plans for government employees traveling on government-owned or chartered aircraft.

In addition, we have launched our family affairs staff to seven aviation accidents, four

highway accidents, two marine accidents, and an Amtrak accident. We also continue to assist family members of four aviation accidents, including those of TWA flight 800. For example, at the request of TWA flight 800 family members, last fall Safety Board staff and family members sorted the personal effects and organized the items for display in the Calverton facility. In January, family members were invited to view and claim recognized items. In addition, we will again open the Calverton facility for family viewing of the reconstruction and personal effects this weekend to commemorate the third anniversary of the accident.

Mr. Chairman, we saw a marked difference in how family members were treated following the accident involving Swiss Air flight 111 as compared to previous aviation disasters. It was due largely to the Family Assistance Act of 1996, and legislation enacted in 1997 that extended this Act to foreign carriers flying into and out of the United States, that Swiss Air and Delta Airlines were so well prepared to handle family members following that tragedy, and you and the members of this Committee should take pride in your actions in regards to this endeavor.

Safety Board Activities

Before I present our request for our three-year reauthorization, I would like to highlight some Board activities since our last reauthorization hearing.

Since our last appearance before this Committee regarding reauthorization, we have investigated nearly 7,000 aviation accidents, and issued 20 major aviation reports; 147 highway accidents and issued 11 major highway reports; 21 marine accidents and issued 8 major marine reports; 54 pipeline/hazardous materials accidents and issued 7 major pipeline/hazardous materials

reports; and 165 railroad accidents, and issued 13 major railroad reports.

In addition, we have issued a total 1,045 safety recommendations. The modal breakdown follows: aviation – 377; highway -- 155; intermodal -- 15; marine -- 209; pipeline -- 100; and railroad -- 189.

Aviation

The investigation of the accident involving USAir flight 427 was the longest and one of the most complex investigations in Safety Board history. The Board completed its investigation in March 1999. One of our early safety recommendations, issued in October 1996, resulted in a redesign of the Boeing 737 servo valve to preclude rudder reversals. In addition, Board recommendations addressed the redundancy of the Boeing 737 rudder system design; advanced maneuver training for air carrier pilots; and increased flight data recorder parameters. There are over 3,000 Boeing 737 aircraft flying somewhere in the world today, with over 1,300 of those registered in the United States, and we believe our recommendations will go far in making a safe aircraft safer.

Additionally, the Safety Board is continuing its investigation into the explosion and crash of TWA flight 800 that killed all 230 on board near East Moriches, New York, in July 1996. This investigation has resulted in the largest aircraft reconstruction in aviation history, and has already resulted in numerous safety recommendations, dealing with issues such as explosive fuel mixtures in fuel tanks and the fuel quantity indication system wiring. We expect to complete the investigation of this accident by the end of this year or early next year.

The most recent major aviation accident occurred June 2, 1999, at Little Rock, Arkansas, and involved American Airlines flight 1420, an MD-80. The airplane crashed after landing in thunderstorms and killed 11 people, including the captain. This accident involves issues the Board has been looking into for several years -- weather conditions and pilot fatigue. The Board is in the early stages of its investigation, and we will keep you advised of our findings.

The rapid growth of international aviation and projections for continued growth continue to place increased responsibilities on the Safety Board in the international arena. In calendar year 1998, the Board supported about 130 international accident investigations -- both on scene and in our laboratories. Because of this increase in international activity, a coordinated effort was deemed necessary, and I named a senior Safety Board aviation manager as the Board's international liaison, responsible for coordinating all international activities. This has resulted in the formulation of an outreach program to our counterpart agencies and aviation organizations throughout the world, which enables the Board to promote U.S. aviation safety goals and objectives.

Highway

Airbag-induced injuries and child passenger safety are just two of the highway safety issues reviewed by the Board in recent years. As a result of safety recommendations and reports issued by the Board, there is improved public awareness with regard to problems that have been identified with airbags and current airbag technology and the need to place children in the back seat of a vehicle. Cut-off switch hardware has been developed, and the National Highway Traffic

Safety Administration has issued a notice of proposed rulemaking to require advanced airbags.

The Board also conducted a special investigation into selective motorcoach issues. Driver fatigue and poorly maintained or out-of-adjustment brakes were identified in two accidents investigated, issues about which the Board has previously expressed concern. It was also noted that had the Federal Highway Administration had a more restrictive compliance review process in place for motorcoaches, these two accidents and others may not have occurred.

Mr. Chairman, the Safety Board is currently monitoring heavy truck and motorcoach safety operations, and in April we held the first of four public hearings to review the conditions and factors that relate to truck/bus-related crashes and evaluate the effectiveness of federal, state and industry oversight of truck and bus safety. In September, we will hold a hearing on technology applications to improve heavy vehicle safety in Nashville, Tennessee, and later this year we will hold a hearing on the safety ramifications of NAFTA. We will keep the Committee advised of Board activities regarding this important safety issue.

Pipeline/Hazardous Materials

Mr. Chairman, my testimony in 1996 mentioned the dangers of hazardous materials spills from ruptured railroad tank cars. I am pleased that the Federal Railroad Administration, the Association of American Railroads, and other industry organizations have taken a number of steps in response to safety recommendations on the testing and inspection standards for railroad tank cars. These organizations have:

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- evaluated nondestructive testing techniques to determine how these techniques can best be applied to the periodic inspection and testing of tank cars transporting hazardous materials; initiated a longer-term project to implement inspection and testing programs and requirements that are based on damage-tolerance principles; and implemented a damage analysis on a limited basis that is continuing to move toward full damage tolerance assessment.
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The Safety Board also released a special investigation report and 20 safety recommendations regarding brittle-like cracking in plastic pipe for gas service. The use of plastic pipe to transport natural gas has grown steadily over the years because of the material's economy, corrosion resistance, light weight and ease of installing and joining. However, our investigation showed that the procedure used to rate the strength of plastic pipe may have overrated the strength and resistance to brittle-like cracking of much of the plastic pipe used for gas service from the 1960s through the 1980s. Gas pipeline operators have had insufficient notification of this susceptibility to premature brittle-like cracking and, therefore, may not have implemented adequate pipeline surveillance and replacement programs for their older plastic piping. Safety recommendations to the Research and Special Programs Administration and the industry regarding this matter were issued.

The most recent major pipeline accident being investigated by the Safety Board occurred June 10, 1999, at Bellingham, Washington. A 16-inch diameter pipeline ruptured, resulting in an ignition and release of over 200,000 gallons of gasoline. This accident resulted in the death of an 18-year-old man and two 10-year-old boys. This investigation is in its very early stages, and we will keep the Committee advised of our investigation as information is gathered.

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Marine

The Board issued urgent recommendations on the installation of locally sounding alarms for passenger and crew spaces as a result of the *Universe Explorer* and *Vista Fjord* accident

investigations, and the cleaning of laundry ducts as a result of the fire on the cruise ship *Ecstasy*. Additional safety improvements were called for in other marine reports including reducing flammability of construction materials, requiring smoke detectors in living spaces, and requiring pre-departure fire safety briefings on small passenger vessels.

The Board also explored the need for a review of Coast Guard watchstanding and communications procedures at a recent public hearing related to an on-going accident investigation, as well as their procedures to release information to other government agencies and the public. This followed the tragic deaths of four recreational boaters on board the *Morning Dew* in Charleston Harbor. A Safety Board special investigation of these issues is underway.

One of the most recent major marine accidents being investigated by the Safety Board occurred in Hot Springs, Arkansas, on May 1, 1999, that resulted in the loss of 13 lives. This accident involved a vessel commonly known as a duck, one of at least 60 converted World War II amphibious craft that operate nationwide and was certificated and inspected by the Coast Guard.

Railroad

Along with its regular accident investigation duties, the Safety Board conducted two public hearings into safety problems at the Union Pacific Railroad Company. Prior to our first hearing in March 1998, Union Pacific had numerous accidents, including several collisions. The Board's hearing focused on much-needed safety changes at the Union Pacific Railroad, including: hiring 114 train dispatchers, with plans to hire 100 more in 1999; adding the position of Director of Safety and Quality Assurance to oversee the entire safety and dispatching program; instituting a

napping policy throughout its system; hiring approximately 6,000 new employees; improving the accuracy of train line-ups; and simplifying the organization of the railroad by giving each region total autonomy to manage day-to-day operations.

Reauthorization Request

Mr. Chairman, the Board is requesting nine changes to its authorizing authority. Attached to our statement is a copy of our formal request, but a summary of each issue follows.

Marine Jurisdiction on the Territorial Seas

This proposed amendment is a clarification of Safety Board marine investigation jurisdiction to 12 miles from the coast. On December 27, 1988, President Reagan by proclamation extended the territorial seas of the United States to 12 miles from the coast. Jurisdiction to the 12-mile limit is consistent with the limit exercised by many nations and is based on international law. National Transportation Safety Board marine jurisdiction is expressed as jurisdiction over accidents *on the navigable waters or territorial seas of the United States*. NTSB jurisdiction to 12 miles would, therefore, appear to have been established by the 1988 proclamation. The Independent Safety Board Act already references Federal Aviation Act definitions in the aviation area. In keeping with this approach, the proposed amendment would use a recently enacted Coast Guard definition to define jurisdiction at the 12-mile limit, and would clarify the Safety Board's jurisdiction.

Accident Scene Priority

Enforcement activity is often inherent in the post-accident investigations of the Department of Transportation (DOT) administrations, and many regulatory requirements are backed by criminal sanctions. The Safety Board and the DOT agreed in 1975 that DOT might undertake a separate enforcement investigation of an accident where participation in a Safety Board-led investigation could jeopardize DOT's enforcement work. Amendments to the Independent Safety Board Act in 1981 making NTSB priority explicit -- with the exception of major marine investigations -- had the effect of making any such enforcement investigation subordinate to the priorities of the safety investigation. We believe there is a significant need for a restatement of Congressional intention in this area because of the increasing likelihood that

agencies other than those of DOT will be on-scene and in competition with the work of NTSB.

In almost all of the recent major aviation investigations conducted by NTSB, parallel criminal investigations were undertaken. Examples include the TWA flight 800, the ValuJet flight 592 crash near Miami, the FineAir cargo crash in Miami. The Amtrak collision with a flatbed truck in Bourbonnais, Illinois and the pipeline accident in Bellingham, Washington, are also under local criminal investigation. Similarly, many maritime accidents become the occasion for criminal investigation by the Environmental Protection Agency, while fires aboard vessels draw interest from the arson branch of the Bureau of Alcohol, Tobacco, and Firearms.

Interagency coordination between safety investigative agencies and criminal investigative agencies can be complicated. Although the Safety Board believes that Congress assigned priority to NTSB accident investigations, we readily acknowledge that the exigencies of criminal investigation require special care in the handling of evidence at the scene, in the manner of witness interviews, and in the release of information to the public. We typically accommodate such requirements within our investigative processes. However, without a clear statutory premise for NTSB priority, the ready negotiation of such compromises and accommodations will remain dependent on circumstances and personalities.

Although the existing statement of priority is sufficient for most purposes, NTSB seeks clarification on the matter of accidents that may have been the subject of intentional acts of destruction. Many of the criminal investigations that arise out of transport accidents are consequences of accidental behavior and Safety Board jurisdiction and primacy are never in

doubt. There are circumstances, however, where the nature of the destructive act is initially unknown and may be intentional, as opposed to accidental, and here NTSB priority, while established through precedent and international convention, could use explicit Congressional restatement. To ensure that NTSB will continue to be capable of exercising coordinated leadership in future transport tragedies, we seek an explicit statutory basis for the traditional exercise of NTSB jurisdiction in the wake of the destruction of the instrumentalities of transport, whether accidental or otherwise. Such a clarification would not affect the authorities of any other federal agency, nor be disruptive of the NTSB's longstanding policy of accommodating its processes to the special needs of criminal investigation when criminal behavior is suspected or demonstrated.

Personnel Management

The Board is requesting four management revisions intended to provide the National Transportation Safety Board with flexibility in its personnel management policies necessary to enhance our ability to hire and retain the best qualified individuals. These changes are necessary to guarantee our continued ability to conduct high quality accident investigations in the face of increasingly sophisticated technologies and ever more complex systems. The changes are consistent with provisions permitted to other transport agencies and are in keeping with the need to modernize the federal workplace. A detailed justification of the requested changes is attached. Below is a list of the revisions requested:

•• *Prescription of Reasonable Rates of Pay for Overtime* – this amendment would permit the Safety Board to prescribe reasonable rates of overtime pay, similar to that already afforded to the Coast Guard.

Excepted Service Appointment Authority – this amendment would allow the Safety Board to recruit prospective employees using an excepted service authority, with the option of converting the individual after a probationary period to competitive service.

Discretionary Base Pay Supplement for Employees Engaged in Investigation Work – this amendment would provide the Safety Board with the ability to compensate employees directly engaged in core mission accident investigation duties at rates commensurate with their specific achievements and private sector or government alternatives.

Retirement at Age 55 With 20 or More Years of Service – this amendment would permit Safety Board employees to retire at age 55 with 20 or more years of service without penalty, and provide the agency with a powerful tool to convince experienced professionals to choose a career with the Board.

Technical Service Agreements and Collections

Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, specifies that the States of design and manufacture monitor the continuing airworthiness of their aircraft wherever they are operated, so that corrective actions may be disseminated to operators of the aircraft worldwide. In order to fulfill those obligations, the United States, through the Safety Board, participates in the investigation and provides support to the foreign investigative authorities. In addition, States with smaller domestic airline structures often ask for our technical assistance. The Safety Board is willing and eager to provide whatever assistance is sought and, given the safety benefits possible, we do not insist on compensation in all cases.

In addition to on-scene investigative assistance, NTSB also provides classroom training in accident/incident investigation and prevention, both in the United States (at NTSB offices) and at foreign agencies. For many years, we have done so both with or without written agreements with the foreign safety agency or the foreign government.

As the independent investigative agency for the United States, the NTSB needs to enter

into complementary agreements that focus on accident/incident investigation and prevention, and we seek a clarification regarding our authority to initiate and negotiate agreements on training and technical services.

The Department of State (DOS) does not believe we have the authority to enter such agreements. Although we believe we do, we have been unsuccessful in assuring DOS that Congress intends for the Safety Board to negotiate directly for the provision of our services, notwithstanding that we have done so previously. Therefore, we believe a clarification of existing authority is necessary. Even if this would be considered a new authority, we believe it is vital to our ability to maximize our impact on international aviation safety, and we see no downside to permitting NTSB, similar to the authority already given to the FAA, to deal directly with our foreign counterparts regarding training and technical services.

Collection for Production of Dockets

This amendment would enable the Board to recover its costs associated with reproduction and dissemination of its products. The Safety Board currently provides free of charge copies of accident dockets to persons (or their survivors) and organizations involved in accidents. Others who request copies of dockets are referred to a clearinghouse contractor or to the Department of Commerce's National Technical Information Service for copies of Board publications.

Because the costs of reproducing and distributing its products come out of the Safety Board's operating budget, the clearinghouse contractor arrangement enables the Safety Board to control its costs, but results in poorer service to the American public because of timeliness issues

and higher expenses for our products. The authority requested by the Board would permit reasonable fees to be charged for reproduction and distribution of its products, whether paper-based or on various electronically readable media, and to apply collected fees toward the reproduction expenses.

Recorders

This proposed amendment would provide for the withholding from public disclosure of voice and video recorder information comparable to the protections provided for cockpit voice recorders (CVR). The Safety Board has open recommendations that call for voice recorders on locomotives and marine voyage event recorders, which will include bridge audio information on vessels over 500 gross tons. In addition, the Safety Board's 1990 report on the accident involving USAir flight 105 at Kansas City International Airport, Missouri, outlined the need for cockpit video recordings and pledged that the Safety Board would monitor and evaluate the progress of video recording.

There appears to be some reluctance on the part of the transportation industry and labor to endorse the use of audio recorders for accident and incident investigations, stemming from uncertainty regarding the ultimate use of the information. An inclusion of provisions in the Safety Board Act that would withhold audio recordings from public disclosure should facilitate acceptance of these devices.

The requirement for voyage event recorders on some ships appears to be generally accepted. NTSB proposes to treat the audio portion of these tapes in the same fashion as we

handle CVR tapes, but absent explicit statutory language, we may not be able to do so.

Video technology has progressed to the point where it has become technically feasible to produce and crash-protect cockpit video recordings that meet the needs of accident investigators, and video recorders for all modes of transportation may become a reality in the not-too-distant future. It would be appropriate and timely to ensure that there are no legislatively-defined differences between the treatment of new video technology and existing voice recorders, as the lack of statutory protection for video technology would serve to limit its acceptance.

Authorization of Appropriations

This proposed amendment provides the authority to appropriate funds for the National Transportation Safety Board for fiscal years 2000, 2001, and 2002.

The requested authorization levels are \$57.0 million and 402 full-time equivalent (FTE) positions for fiscal year 2000; \$73.0 million and 470 FTE positions for fiscal year 2001; and \$76.4 million and 470 FTE positions for fiscal year 2002. The requested authorization for fiscal year 2000 is consistent with the President's budget submission, while fiscal years 2001 and 2002 reflect the position level requested in our FY 2000 OMB submission. The request also includes funding for additional training, as well as computer, laboratory, and investigative equipment, items that are necessary to ensure the Board's continued efficiency and technical competence.

Marine Priority

This amendment would give the Safety Board priority in marine accidents it investigates. The Safety Board currently maintains primacy in accident investigations of all other modes of transportation: aviation, railroad, highway, pipeline, and hazardous materials. We also maintain primacy in all marine accidents that do not meet the criteria for a major marine accident.

However, uncertainty as to our investigators' role in a Coast Guard investigation, minimal opportunity to interview witnesses, and lengthy Marine Boards that generate situations in which witnesses cannot recall what they had seen or heard, are just a few of the reasons why Safety Board priority in marine accident investigations is necessary. Safety Board priority has worked well for many years in other modes of transportation and those using marine transportation should be given the full benefit of a similar system.

Public Aircraft Investigation Clarification

This amendment would clarify language in Public Law 103-411 regarding the investigation of public use aircraft. This public law gave the Board the authority to investigate public use aircraft but did not provide the same guidelines as civil aviation investigations. We believe this amendment to be a clarification of Congress' original intent, and that the requested authorities are essential to an independent investigation.

Mr. Chairman, that completes my statement. I will be happy to respond to any questions you may have.